



FOLEY &amp; LARDNER LLP

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AUG 11 2006

## FACSIMILE TRANSMISSION

Total number of pages, including this cover sheet: 10 pages

TO:	PHONE #:	FAX #:
Examiner Sumesh Kaushal U.S. Patent and Trademark Office Art Unit 1633	(571) 272-0769	(571) 273-8300

From : Stacy L. Taylor  
Email Address : staylor@foley.com  
Sender's Direct Dial : 858.847.6720  
Date : August 11, 2006  
Client/Matter No : 041673-1001  
User ID No : 9055

## MESSAGE:

U.S. Patent Application No. 09/954,571

Following is:

- 1) Amendment Transmittal (3 pages);
- 2) Supplemental Amendment and Reply Under 37 CFR 1.116.

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Operator:	Time Sent:	Return Original To: Rachel Caputo
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Cover Page 1 of 1

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PAGE 1/10 \* RCVD AT 8/11/2006 7:01:38 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/12 \* DNIS:2738300 \* CSID: \* DURATION (mm:ss):02:26

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AUG 11 2006

Atty. Dkt. No. 041673-1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chien  
Title: HIGH EFFICIENCY CARDIAC  
GENE TRANSFER  
Appl. No.: 09/954,571  
Filing Date: 09/11/2001  
Examiner: Kaushal, Sumesh  
Art Unit: 1636  
Confirmation Number: 7236

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Rachel Caputo (Printed Name)  [Signature] (Signature)  8/11/06 (Date of Deposit)
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**AMENDMENT TRANSMITTAL**

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Supplemental Amendment After Final Rejection in the above-identified application, responsive to the Advisory Action dated July 17, 2006.

- ☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- ☐ Assertion of Small Entity status is enclosed.
- ☒ The fee required for additional claims is calculated below:

Atty. Dkt. No. 041673-1001

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	24	-	86	=	0	x	\$50.00	=	\$0.00
Independent Claims:	2	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									\$0.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$0.00

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 041673-1001

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 8-11-06

By Stacy L. Taylor

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842

AUG 11 2006

Atty. Dkt. No. 041673-1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chien  
Title: HIGH EFFICIENCY CARDIAC  
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**SUPPLEMENTAL AMENDMENT AND REPLY UNDER 37 CFR 1.116**

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Advisory Action dated July 17, 2006,  
concerning the above-referenced patent application. The amendments seek to place the claims in  
condition for allowance in accord with the comments made in the Advisory Action or,  
alternatively, to place the claims in better condition for appeal.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2  
of this document.

**Remarks/Arguments** begin on page 2 of this document.

Please amend the application as follows: